



Jackie Rolleri - NOAA Federal <jackie.rolleri@noaa.gov>

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## following up re: Broadwater

8 messages

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**Jackie Rolleri - NOAA Federal** <jackie.rolleri@noaa.gov>  
To: Brian Wainger <bwainger@kaleolegal.com>, bargerd@gtlaw.com  
Cc: "Porter, Kent (USAVAE)" <Kent.Porter@usdoj.gov>

Wed, Mar 18, 2020 at 2:56 PM

Hi Brian,

Did you get any clarification from your client about Broadwater's relationship, if any, with the company? As I mentioned on the phone, Broadwater has contacted a couple of NOAA folks who, to date (and to my knowledge), have not discussed Titanic with him. That said, if Broadwater has not entered into any formal/legal relationship with the company, then I want to know that so that our folks can be responsive without risking any accusations from RMST.

Thanks,  
Jackie

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Deputy Chief  
Oceans and Coasts Section  
Office of the General Counsel  
National Oceanic and Atmospheric Administration  
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SSMC4, Suite 6111  
Silver Spring, MD 20910  
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**Brian Wainger** <bwainger@kaleolegal.com>  
To: Jackie Rolleri - NOAA Federal <jackie.rolleri@noaa.gov>  
Cc: "bargerd\_gtlaw.com" <bargerd@gtlaw.com>, "Porter, Kent (USAVAE)" <Kent.Porter@usdoj.gov>

Wed, Mar 18, 2020 at 6:03 PM

Thanks for the follow-up Jackie. I'll get back to you asap.

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Brian Wainger  
Principal  
Kaleo Legal  
[4456 Corporation Lane, Suite 135](#)  
[Virginia Beach, VA 23462](#)  
t:757.965.6804  
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**Exhibit 4**

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David G. Concannon <david@davidconcannon.com>

Wed, Mar 18, 2020 at 9:54 PM

To: Brian Wainger <bwainger@kaleolegal.com>, Jackie Roller - NOAA Federal <jackie.rolleri@noaa.gov>,

"Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>

Cc: "barger\_d\_gtlaw.com" <barger\_d\_gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Hi Jackie,

John Broadwater, Ph.D. is working as the project archaeologist for RMST's Titanic 2020 Expedition. We understand that he has incidental contact with his friends and former colleagues at NOAA, and this is fine with us.

Please make sure that you and Mr. Porter include me in your communications with RMST's attorneys. Thank you.

Sincerely,

David G. Concannon

Concannon & Charles

100 Sun Valley Road, No. 329

Sun Valley, Idaho 83353

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**Exhibit 4**

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**Jackie Rolleri - NOAA Federal** <jackie.rolleri@noaa.gov> Fri, Mar 20, 2020 at 10:52 AM  
To: "David G. Concannon" <david@davidconcannon.com>  
Cc: Brian Wainger <bwainger@kaleolegal.com>, "Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>, "bargerd\_gtlaw.com" <bargerd@gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Thanks, David.

To clarify, John Broadwater has contacted two of our employees, who are former colleagues and friends of his, for the purpose of discussing Titanic and the potential 2020 expedition. Before our folks respond, I want to ensure that there are no concerns with NOAA discussing such matters with Broadwater (versus just catching up generally with friends/colleagues).

Thanks,  
Jackie  
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Deputy Chief  
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**David G. Concannon** <david@davidconcannon.com> Fri, Mar 20, 2020 at 11:05 AM  
To: Jackie Rolleri - NOAA Federal <jackie.rolleri@noaa.gov>  
Cc: Brian Wainger <bwainger@kaleolegal.com>, "Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>, "bargerd\_gtlaw.com" <bargerd@gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Hi Jackie,

Actually, the number is three: Ole Varmer, David Alberg and Craig McLean.


I believe Ole's discussion was just a comment in passing. David Alberg and John agreed not to talk about the Titanic or Titanic 2020. John and Craig are free to talk about anything they want.

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Deputy Chief

**Exhibit 4**

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**Jackie Rolleri - NOAA Federal** <jackie.rolleri@noaa.gov>

Fri, Mar 20, 2020 at 11:10 AM

To: "David G. Concannon" <david@davidconcannon.com>

Cc: Brian Wainger <bwainger@kaleolegal.com>, "Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>, "barger\_d\_gtlaw.com" <barger\_d\_gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Hi David,

Ole retired from NOAA so he is no longer an employee of the agency. If RMST has no concerns with Broadwater discussing Titanic with Craig, then I'll assume the same is true for our other employees who work on this matter, including Dave Alberg.

Best,  
Jackie

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Deputy Chief

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**David G. Concannon** <david@davidconcannon.com>

Fri, Mar 20, 2020 at 11:18 AM

To: Jackie Rolleri - NOAA Federal <jackie.rolleri@noaa.gov>

Cc: Brian Wainger <bwainger@kaleolegal.com>, "Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>, "barger\_d\_gtlaw.com" <barger\_d\_gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Jackie,

I think it is probably best if David Alberg and John Broadwater do NOT talk about Titanic or the upcoming expedition. The same goes for other NOAA employees who are involved in the day-to-day machinations regarding Titanic. It is my understanding that Craig is not involved in the day-to-day aspects anymore.

John is currently preparing a Project Research Design for the Titanic 2020 Expedition. This will be filed with the court soon. NOAA employees who are involved in the day-to-day aspects of Titanic will have an opportunity to comment in the context of the admiralty proceeding.

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**Exhibit 4**

Deputy Chief

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**Jackie Rolleri - NOAA Federal** <jackie.rolleri@noaa.gov>

Fri, Mar 20, 2020 at 11:24 AM

To: "David G. Concannon" <david@davidconcannon.com>

Cc: Brian Wainger <bwainger@kaleolegal.com>, "Kent.Porter@usdoj.gov" <Kent.Porter@usdoj.gov>, "barger\_d\_gtlaw.com" <barger\_d\_gtlaw.com>, William Poynter <wpoynter@kaleolegal.com>

Thanks, David. I'm aware of the degree to which NOAA folks are engaged on these matters so I'll advise my clients, including Craig and Dave, accordingly.

Best,  
Jackie

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Deputy Chief

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